

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

Date/Time/Location of Incident:	January 13, 2017/2:54 PM/ [REDACTED]
Date/Time of COPA Notification:	January 13, 2017/8:00 PM
Involved Officer #1:	[REDACTED], Star # [REDACTED], Employee # [REDACTED], Date of Appointment: [REDACTED], 2013, Police Officer, [REDACTED] District, Date of Birth: [REDACTED], 1987, Male, Black
Involved Officer #2:	[REDACTED], Star # [REDACTED], Employee # [REDACTED], Date of Appointment: [REDACTED], 2013, Police Officer, [REDACTED] District, Date of Birth: [REDACTED], 2981, Male, White-Hispanic
Involved Individual #1:	[REDACTED], Date of Birth: [REDACTED], 1985, Female, Black
Case Type:	Unjustified Arrest, Excessive Force

**I. ALLEGATIONS**

Officer	Allegation	Finding
Officer [REDACTED]	1. Improperly arrested Ms. [REDACTED]  2. Physically removed Ms. [REDACTED] from her vehicle, placed her on the ground, handcuffed, arrested, and transported her to the District Station without justification.	Exonerated  Exonerated
Officer [REDACTED]	1. Improperly arrested Ms. [REDACTED]  2. Physically removed Ms. [REDACTED] from her vehicle, placed her on the ground, handcuffed, arrested, and	Exonerated  Exonerated

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

[REDACTED] transported her to the District Station without justification. [REDACTED]

## II. SUMMARY OF EVIDENCE<sup>2</sup>

On January 13, 2017, the complainant, [REDACTED], was issued a traffic citation and was subsequently arrested. Ms. [REDACTED] alleged that the arresting officers, Officer [REDACTED] and Officer [REDACTED], improperly arrested and removed her from her vehicle using excessive force.

According to reports, Officer [REDACTED] and Officer [REDACTED] observed a vehicle commit a traffic violation. When they pulled the vehicle over, the driver, [REDACTED], handed over her driver's license. Officers [REDACTED] and [REDACTED] ran her name through the LEADS system and a warrant appeared for a person matching [REDACTED] approximate name and date of birth, however the first name was spelled slightly differently. Officers [REDACTED] and [REDACTED] radioed OEMC to verify the warrant. Dispatch confirmed the warrant matched [REDACTED].<sup>3</sup>

Officer [REDACTED] and Officer [REDACTED] told [REDACTED] to step out of the vehicle because there was a warrant for her arrest to which she stated that was not her and that she would not be getting out of the vehicle. The officers attempted to get her out of the vehicle and told Ms. [REDACTED] she still had to go to the station because of the traffic violations she had just committed. Another responding officer told [REDACTED] that at the station they could verify her identity. [REDACTED] continued to refuse to step out of the vehicle and after Sergeant [REDACTED] arrived [REDACTED] was forcibly removed and taken to the station. At the station, it was determined that [REDACTED] was not the same person on the warrant and was released without being charged.<sup>4</sup>

Officer [REDACTED], Officer [REDACTED], Sergeant [REDACTED], and complainant [REDACTED] all provided statements consistent with each other, Department reports, Body Worn and In-Car Camera footage.

## III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;

<sup>2</sup>COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals.

<sup>3</sup> Att. #34: Officer [REDACTED] BWC 4:36; Officer [REDACTED] BWC 2:13; Att. #20

<sup>4</sup> None of the officers could articulate how they determined in this case [REDACTED] was not the subject of the warrant. However Lt. [REDACTED] stated that at the station officers would generally confirm the warrant in part by calling the jurisdiction where the warrant was from.

3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

**Clear and convincing evidence** is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

#### IV. ANALYSIS AND CONCLUSION

COPA finds **All allegations** against Officer [REDACTED] and Officer [REDACTED] [REDACTED] are **Exonerated**. There is clear and convincing evidence to establish that Officer [REDACTED] and Officer [REDACTED] had probable cause to stop and detain [REDACTED], remove her from the vehicle and take her to the station. The officers' actions were lawful within Chicago Police Department policy.

Officers [REDACTED] and [REDACTED] had stopped Ms. [REDACTED] for two minor traffic violation.<sup>5</sup> The traffic violations alone constituted sufficient probable cause to arrest [REDACTED], although it is unlikely that an arrest would ever have been made for minor traffic violations alone. However, Officer [REDACTED] ran [REDACTED] name through the LEADS system and discovered a warrant. Dispatch confirmed the warrant for [REDACTED]. Based on this information, Officer [REDACTED] and Officer [REDACTED] [REDACTED] were compelled to detain [REDACTED]. Once at the station, a more thorough investigation was completed, and [REDACTED] was released when the officers and watch commander made the determination [REDACTED] was not the subject of the warrant. Based on the underlying traffic tickets, plus the information regarding the warrant, [REDACTED] arrest was justified.

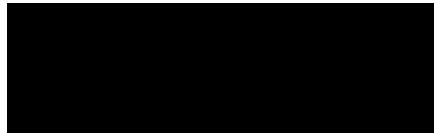
When the officers attempted to effect the lawful detention, [REDACTED] refused to step out of the vehicle. [REDACTED] was a passive resister, and at times an active resister as she tried to evade the officers. The officers were within their rights to take her out of the vehicle by force. Moreover, the officers each provided a TRR which articulated the force and need for the force used.

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<sup>5</sup> Att. 10: Failing to obey a red light and looking at her phone while driving.

Based on all the evidence COPA finds the officers acted within policy.

Approved:



April 13, 2019

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*Deputy Chief Administrator*

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Date

**Appendix A**

Assigned Investigative Staff

<b>Squad#:</b>	[REDACTED]
<b>Supervising Investigator:</b>	[REDACTED], # [REDACTED]
<b>Deputy Chief Administrator:</b>	[REDACTED], # [REDACTED]